

Mr. NEY. Mr. Chairman, on rollcall No. 319 I was unavoidably detained. Had I been present, I would have voted "no."

The CHAIRMAN pro tempore (Mr. NETHERCUTT.) There being no other amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. NETHERCUTT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes, pursuant to House Resolution 216, he reported the bill, as amended pursuant to that rule, back to the House with sundry further amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MRS. THURMAN

Mrs. THURMAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. THURMAN. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. THURMAN moves to recommit the bill H.R. 4 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Insert after section 3001 the following new section:

SEC. 3002. TAX REDUCTIONS CONTINGENT ON SUFFICIENT NON-SOCIAL SECURITY, NON-MEDICARE SURPLUSES.

(a) IN GENERAL.—No provision of this division or any amendment made thereby shall apply to taxable years beginning in any calendar year if the Director of the Office of Management and Budget projects (as provided in subsection (b)) that there will be a deficit for the Federal fiscal year ending in such calendar year outside the social security and medicare trust funds.

(b) PROJECTIONS.—During December of each calendar year, the Director of the Office of Management and Budget shall make a projection of whether there will be a deficit outside the social security and medicare trust funds for the fiscal year ending in the following calendar year. Such projection shall be made—

(1) by excluding the receipts and disbursements of the social security and medicare trust funds, and

(2) by assuming that the provisions of this division are in effect without regard to this section.

(c) TRUST FUNDS.—For purposes of this section—

(1) the term "social security trust funds" means the Federal Old-Age and Survivors Insurance Trust Fund, and the Federal Disability Insurance Trust Fund, under title II of the Social Security Act, and

(2) the term "medicare trust fund" means the Federal Hospital Insurance Trust Fund created by section 1817 of the Social Security Act.

The SPEAKER pro tempore. The gentlewoman from Florida (Mrs. THURMAN) is recognized for 5 minutes.

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Mrs. THURMAN. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, the Democratic Caucus drafted a balanced energy plan that was paid for, the Markey-Stenholm-Sandlin-Frost proposal, which should have had a chance to have been voted on today, but the House was denied the opportunity.

My motion to recommit would provide that the tax benefits of the bill would be contingent on the availability of sufficient surpluses outside the Social Security and Medicare trust funds. I offered this language in the Committee on Ways and Means, but it was rejected.

Today we are considering a \$33 billion energy bill. You told us there is an energy crisis, and we had to respond. We want to respond responsibly. You have also said there is a Medicare crisis and a Social Security crisis, and I too want to resolve those crises, but how are we going to pay for their solution if we continue to spend money we do not have?

You cannot pass this bill without invading the trust funds and breaking the promises made to the American people.

You do not have to take my word for it. According to a Republican memo cited by the press, "We are possibly already into the Medicare trust fund and are very close to touching the Social Security surplus in fiscal year 2003."

Just Monday, Treasury said that it would be borrowing \$51 billion to pay for the tax rebate. So, instead of paying down debt, we are adding to debt in interest payments. In fact, the Committee on the Budget chairman is threatening spending cuts for later this year.

Mr. Speaker, I frequently have heard the "first come, first served" argument. It goes like this. There is a slush fund in the 2002 budget that is available on a first come, first served basis; the first bill signed draws from the fund.

We should not be legislating on a first come, first served basis. That is not governing.

Once we have taken care of the easy bills, where are the funds for the education bill that this House passed and promised to the American people? What happens to defense? What happens to the farm bill? What happens to Social Security reform or a Medicare prescription drug benefit? The answer

is nothing. Because we do not have any money left for them.

Yet, all of these are important priorities, but not as important as the promise we made in protecting the trust funds. Virtually every Member on this floor has voted at one time or another to protect the trust funds.

Earlier today, in the debate, a Member said something to this effect: If you think this bill hurts Medicare and Social Security, then you do not understand the trust funds. In fact, we do understand the trust funds. If, in fact, we are not or you are not invading the trust funds, then you lose nothing by supporting this motion. Are you protesting so much because you know that this bill hurts Social Security and Medicare recipients?

If you reject this motion, then go home. You go explain to your constituents that what they believed would be for them will not be there. If you break your promise and raid the trust funds, then tell our children, our farmers, our armed services, and seniors to look out for themselves.

However, if you want to keep your promise to all Americans, then support the motion to recommit.

Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, there are \$34 billion worth of energy tax breaks in this bill, but they do not pay for them at all. Now, we do not have a surplus any longer, and so what the majority is doing is setting up an oil rig on top of the Social Security and Medicare trust funds, because the only way that this bill, worth \$34 billion, can be paid for, is by drilling into the Medicare and Social Security trust funds.

Vote for the Thurman recommitment motion and protect the senior citizens of our country from having a pipeline built into their pockets and having every senior citizen pay for this energy bill for the biggest oil companies in our country.

Mr. TAUZIN. Mr. Chairman, I rise in opposition to the motion to recommit, and I yield such time as he may consume to the gentleman from California (Mr. THOMAS), the chairman of jurisdiction, the distinguished chairman of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding.

I want to thank the gentleman from Massachusetts for providing that very enlightening chart. What most Members could not see was the fine print up on the rig, and it said, "For more than 40 years, that is what the Democrats did."

There was another sign right below it that said, "This rig is no longer in operation." Because we are here arguing about the surplus. Never happened on your watch.

Let me repeat the key words in that devastating Republican quote that the gentlewoman from Florida offered, "possibly already." Really firm language. The answer is, we are not invading the HI trust fund and we will not invade the HI trust fund.